



February 22, 2006

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## ENGROSSED SENATE BILL No. 264

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DIGEST OF SB 264 (Updated February 21, 2006 11:40 am - DI 96)

**Citations Affected:** IC 9-23.

**Synopsis:** Offsite vehicle sales. Changes the criteria for an automobile dealer to obtain a license for an offsite sale.

**Effective:** Upon passage.

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### Weatherwax

(HOUSE SPONSORS — DUNCAN, MAHERN)

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January 9, 2006, read first time and referred to Committee on Commerce and Transportation.

January 26, 2006, amended, reported favorably — Do Pass.

January 30, 2006, read second time, ordered engrossed. Engrossed.

February 1, 2006, read third time, passed. Yeas 50, nays 0.

#### HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Roads and Transportation.

February 21, 2006, amended, reported — Do Pass.

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ES 264—LS 7005/DI 114+



February 22, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 264

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-23-2-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in  
3 subsections (b) ~~and (c)~~ **through (g)**, the bureau shall issue an offsite  
4 sales license to a dealer licensed under this chapter ~~not later than~~  
5 ~~forty-five (45) days after receipt of the application for the license who~~  
6 **submits an application for the license not later than ten (10)**  
7 **business days or two (2) calendar weeks before the offsite sale date.**  
8 License applications under this section shall be made public upon the  
9 request of any person. ~~The term of the offsite sales license is not to~~  
10 ~~exceed ten (10) days:~~  
11 (b) The bureau may not issue an offsite sales license to a dealer who  
12 does not have an established place of business within Indiana.  
13 (c) The bureau may not issue an offsite sales license to a licensed  
14 dealer proposing to conduct the sale outside a radius of twenty (20)  
15 miles from its established place of business. This subsection does not  
16 apply to:  
17 (1) new manufactured housing dealers;

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(2) recreational vehicle dealers; or

(3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

**(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.**

**(e) The bureau may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.**

**(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The bureau may not issue an offsite sales license to a licensed dealer if the dealer does not have authorization that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may only be obtained from the following:**

**(1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.**

**(2) If the offsite sale would be located outside the corporate boundaries of a city or town:**

**(A) except as provided in clause (B), the executive of the county; or**

**(B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.**

**(g) The bureau may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the current license application is being submitted.**

**(~~d~~) (h) The requirements of section 2(c) of this chapter do not apply to the application or issuance of an offsite sales license under this section.**

**SECTION 2. An emergency is declared for this act.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 4 through 5, begin a new paragraph and insert:

**"(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel or sales material are present."**

and when so amended that said bill do pass.

(Reference is to SB 264 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "or sales material" and insert "**and no sales material**".

and when so amended that said bill do pass.

(Reference is to SB 264 as printed January 27, 2006.)

DUNCAN, Chair

Committee Vote: yeas 8, nays 0.

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